IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE S/S Oakleigh Beach Road, 475' E ZONING COMMISSIONER of Pin Oak Road (Lot 112, betwn. \* 931 & 922 Oakleigh Beach Road) \* OF BALTIMORE COUNTY 15th Election District 7th Councilmanic District \* Case No. 91-200-A Michael R. Black Petitioner \* \* \* \* \* \* \* \* \* \* FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioner herein requests a variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Mary Phipps and Sandy Pool appeared as Protestants and were represented by Michael Gilbert, Esquire. Also appearing as Protestants in the matter were: Stephen Chapman, Janice Flinchem, Harriet Phillips, Albert and Diane Painter and

Paul E. Stoust.

Contract Purchaser:

Testimony indicated that the subject property, known as Lot 112 of Oakleigh Beach, consists of .172 acres more or less zoned D.R. 5.5 and is presently vacant. Said property is located within the Chesapeake Bay Critical Areas near Schoolhouse Cove. Petitioner is desirous of constructing a modular one story single family dwelling on the subject lot which is only 50 feet wide, thereby necessitating the requested variance. Mr. Black testified that the majority of lots in this community are 50 feet wide and that he would suffer practical difficulty and unreasonable hardship if the requested variance were denied.

Mr. Gilbert profferred testimony on behalf of the aforementioned Protestants. The testimony and evidence presented indicated that the subject matter came before the Deputy Zoning Commissioner in 1988 wherein

PETITION FOR ZONING VARIANCE AREA to the zoning commissioner of Baltimore county: 91-200-AThe undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section \_\_\_\_\_1B02.3.c.l — To allow a buildable lot with a width of 50 ft. in lieu of the required 55 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) I would like to build a house for my daughter. I already own this lot and at this time I am not financially able to buy another lot. The lot is also being, used as a thrash lot. It is also causing a rodent problem. Also every house is built on a 50' lot. It is becoming a hardship for me I am paying water and sewage benefit taxes.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pelition. MICHAEL RAY BLACK

(Type or Print Name) Signature (Type or Print Name) Address Signature City and State Attorney for Petitioner. BAKTO: M.D. O-1001 (Type or Print Name) Name, address and phone number of legal owner, contract purchaser or representative to be contacted City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 19.90, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Zoning Commissioner of Baltimore County. (over)

Mr. Black was granted variances of 50 feet in lieu of the required 55 feet for the subject Lot 112 and Lots 113 and 114 in Case No. 88-142-A. The community residents filed a timely appeal and the Board of Appeals, in reversing the Deputy Zoning Commissioner's decision, stated that:

> "...Petitioner did not present any evidence which justified the granting of the variance. Additionally, as it was clear from the testimony of the Protestants, further development in this already crowded community is undesirable. We therefore find no compelling reason to grant the variance from the required 55-foot mandate and will so order." (County Board of Appeals, Case No. 88-142-A).

Mr. Black and his co-Petitioner, Theodore E. McCadden, Sr., subsequently appealed the Board of Appeal's decision to the Circuit Court for Baltimore County. In affirming the Board of Appeals' decision, the Court

> "After considering all the evidence contained in the record, as well as the arguments of Counsel, this Court agrees with the Board of Appeals that the variance should not be granted. The Court finds the evidence fairly debatable and therefore, will affirm the decision of the Board of Appeals." (Circuit Court of Baltimore County, Case No. 88 CG 2545).

Mr. Black is now seeking, on essentially the same facts, a different result than that handed down by the Baltimore County Board of Appeals and affirmed by the Circuit Court. Although there is no prohibition found in the B.C.Z.R. that estopps a Petitioner from refiling a variance request (regardless of the appellate history found in the matter), the Petitioner has presented no additional facts which were not thoroughly considered in the original filing of this matter. Therefore, since the Board of Appeals has once ruled on these identical facts and said ruling was affirmed by the Circuit Court, this Zoning Commissioner is compelled to defer to said ruling and deny the requested relief. However, it must be noted that as Petitioner was not legally estopped from refiling the subject Petition for

September 24, 1990

Beginning at a point the south side of Oakleigh Beach Road at a point 47577

Zoning Description

**Baltimore County** Zoning Commisioner

County Office Building

111 West Chesapeake Avenue

FUDLIC HEARING FEES

poster sariance into

LEST MAME OF OWNER: BLACK

owson, Maryland 21204

9,128/90

east of the center line of Pin Oak Avenue being lot No. 112 in the subdivision

containing 7,500 sq. ft. Also known as lot 112 in the 15th election district.

of Oakleigh Beach as recorded in Baltimore County Plat Book No. 12 folio 46

91-200-A

Account: R-001-6150

H9100143

#11**5** #110

04A04#0096HICHRC BA C012:08FMD9-28-90

107AL: \$35.00

Please make checks payable to: Baltimore County

the County Board of Appeals for review. The Baltimore County Council has specifically acted on mandating time requirements for the refiling of special exception requests (Section 500.12 of the B.C.Z.R.) but has, in spite of such specific action, remained silent on the refiling of Petitions for Zoning Variances. Until such time as the County Council acts to amend the B.C.Z.R. to specifically deny the Petitioner the right to refile such a Petition for Zoning Variance, the Zoning Commissioner is without authority to prohibit same.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore the same is hereby DENIED.

JRH:bjs

Zoning Commissioner

Zoning Variance, he is likewise not estopped from appealing this matter to

Therefore, in view of the above and pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

day of February, 1991 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and

for Baltimore County

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of CZETIFICATE OF POSTING the County Office Building, lo-cated at 111 W. Chesapeake Av-ZONING DEPARTMENT OF SALTIMORE COUNTY enue in Towson, Maryland 21204 Petition for Zoning Variance Case number: 91-200-A S/S Oakleigh Beach Road, 475' E of Pin Oak Road Date of Posting 1/6/9/ (Lot #112, between house nos. 931 & 933) 15th Election District 7th Councilmanic

District 15Th Wono-ne-Petitioner: Michael R. Black Location of property: 5/5 DOR/Sigh Boach Rd. 475 E/Pin Dok Ky Lut # 112 - (132 twoon 931 x 933) Location of Signs: Focing Oakloigh Booch Rd, Gaprox 15 Fr You dway on property of Petitionic Date of return: 1/7/9/ Remarks: \_\_\_\_\_

## CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place P.O. Box 8936 Dundalk, Md. 21222

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Case #91-200-A -Notice of Hearing - 49 lines @ \$24.50 - P.O. # 0109021 Reg d The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week successive weeks before the

14th day of DECEMBER 1990; that is to say, the same was inserted in the issues of December 13, 1990.

Kimbel Publication, Inc.

111 West Chesapeake Avenue Towson, MD 21204

February 12, 1991

Baltimore County Government

Zoning Commissioner
Office of Planning and Zoning

Mr. Michael R. Black 2212 Park Drive Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE S/S Oakleigh Beach Road, 475' E of Pin Oak Road (2212 Park Drive) 15th Election District - 7th Councilmanic District Michael R. Black - Petitioner Case No. 91-200-A

Dear Mr. Black:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, J. ROBERT HAINES Zoning Commissioner

> > for Baltimore County

887-3353

cc: Michael Gilbert, Esquire 7506 Eastern Avenue, Baltimore, Md. 21224

Mrs. Mary Phipps Mrs. Sandy Pool 931 Oakleigh Beach Road, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4, Annapolis, Md. 21404 DEPREM

People's Counsel

Petitioner(s): Michael Ray Black

Variance: to allow a buildable

J. ROBERT HAINES

lot with a width of 50 ft. in lieu of

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of\_ weeks, the first publication appearing on 12-13, 19 90

THE JEFFERSONIAN.

\$ 32.03

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue Baltimore County Towson, Maryland 21204

PUBLIC HEARING FEES

receilpt

171005Cc

Flease Make Checks Payable To: Baltimore Courty

To Whom It May Concern,

.....

Number of Signs:

NOTICE OF HEARING

The Zoning Commissioner of Balti-more County, by authority of the Zon-

ing Act and Regulations of Baltimore

County will hold a public hearing on

the property identified herein in Room 106 of the County Office Building, lo-

cated at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as

Petition-for Zoning-Variance

CASE NUMBER: 91-200-A SIS Oakleigh Beach Road, 475' I

(Lot #112, between house nes. 931 & 933) 15th Election District

7th Councilmanic District

HEARING: WEDNESDAY, JAHUARY 23, 1991 at 2:00 p.m.

Petitioner(s): Michael Ray Black

Variance to allow a buildable lo

with a width of 50 ft. in lieu of the

J. ROBERT HAINES

Zoning Commissioner of Baltimore County

of Pin Oak Road

December 13, 199

## Dear Petitioner(s):

Please be advised that  $\frac{50.53}{}$  is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES

. ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

> BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines

Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 143

Black Property Chesapeake Bay Critical Area Findings

DATE: December 13, 1990 DEC 18 1990

## SITE LOCATION

The subject property is located on Oakleigh Beach Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Michael Ray Black

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to permit a "buildable lot with a width of 50 feet in lieu of the required 55 feet".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat: and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number. movement, and activities of persons in that area can create adverse environmental impacts." < COMAR 14.15.10.01.0>

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

114 West Chesapeake Avenue Towson, MD 2120 r

887-3353

December 4, 1991

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

NOTICE OF HEARING

Petition for Zoning Variance CASE NUMBER: 91-200-A S/S Oakleigh Beach Road, 475' E of Pin Oak Road (Lot #112, between house nos. 931 & 933) 15th Election District - 7th Councilmanic Petitioner(s):Michael Ray Black HEARING: WEDNESDAY, JANUARY 23, 1991 at 2:00 p.m.

Variance to allow a buildable lot with a width of 50 ft. in lieu of the required 55 ft.

J. Robert Haines

Zoning Commissioner of

Baltimore County

cc: Michael Ray Black

Memo to Mr. J. Robert Haines

REGULATIONS AND FINDINGS

December 13, 1990

Page 2

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: This property is located approximately 200 feet from the mean high tide of Schoolhouse Cove. Therefore, no disturbance of the shoreline buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no filling of wetlands shall occur.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The applicant proposes to use a gravel driveway. The proposed house creates approximately 13% impervious surfaces on the lot. That applicant shall not increase impervious surfaces that sum to more than 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" < COMAR 14.15.02.04

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 8 items - ball and burlap or 2 gallon container size

Tree list:

2 items - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 2120+

887-3353

January 10, 1991

Mr. Michael R. Black 2212 Park Drive Baltimore, MD 21221

> RE: Item No. 143, Case No. 91-200-A Petitioner: Michael R. Black Petition for Zoning Variance

Dear Mr. Black:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

5. Regulation: "The stormwater management system shall be

land had remained in its predevelopment state;

the predevelopment hydrologic regime.

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate

than would have resulted from a ten year frequency storm if the

(3) Storm drain discharge points are decentralized to simulate

goals of COMAR 14.15 and to eliminate all runoff caused by the

(4) There is sufficient storage capacity to achieve water quality

development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code,

<u>Findings:</u> In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch

drains or seepage pits (see attached drainage information sheet).

The Zoning Variance shall be conditioned so the project proposal

is in compliance with the Chesapeake Bay Critical Area Regulations and

Upon compliance with Chesapeake Bay Critical Area Regulations,

No Sectro Steesters

and Resource Management

Robert W. Sheesley, Director

Department of Environmental Protection

this project will be approved. If there are any questions, please

This will encourage maximum infiltration of stormwater and

decrease the amount of runoff leaving the site.

(2) Infiltration of water is maximized throughout the site,

rather than directing flow to single discharge points; and

Zoning Plans Advisory Committee

JED:jw Enclosures

Memo to Mr. J. Robert Haines

Section 22-217(h)>.

December 13, 1990

Page 3

CONCLUSION

RWS:DCF:ju

Attachment

Findings listed above.

contact Mr. David C. Flowers at 887-2904.

cc: The Honorable Ronald B. Hickernell

The Honorable Donald Mason

Mrs. Janice B. Outen

The Honorable Vincent Gardina

Baltimore County Towson, Maryland 21204

November 28, 1990

887-3353

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers, 100, 115, 118, 137, 138, 139, 141, 142, and 143.

> Very truly yours, Michael S. Flanigan

Traffic Engineer Associate II

MSF/lab

13/13/90 J

Department of Public Works

Bureau of Traffic Engineering Courts Building, Suite 405 (301) 887-3554

Baltimore County Government

Zoning Commissioner
Office of Planning and Zoning

Your petition has been received and accepted for filing this

ZONING COMMISSIONER

111 West Chesapeake Avenue

31th day of October, 1990.

Petitioner: Michael R. Black

Petitioner's Attorney:

Towson, MD 2120 c

Dennis F. Rasmussen County Executive

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

Paul H. Reincke

OCTOBER 11, 1990

Dennis F. Rasmussen

J. Robert Haines zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

MICHAEL RAY BLACK RE: Property Owner:

LOT #112, BETWEEN HOUSE NOS. 931 AND 933 Location: Zoning Agenda: OCTOBER 15, 1990 Item No.: 143

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cit Jeff Kelly 10-11-90 Approved Castamw. F. Rady N. Fire Prevention Bureau Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

DATE: December 5, 1991 Mr. James M. McKinney Executive Assistant

Mr. John J. Sullivan, Jr. Zoning Administration & Development Management Planner II SUBJECT: Building Permit No's. B-09759, B-110095 and 102176 Lot Nos. 112 - 114 Oakleigh Beach Road

Per your request for information with regard to the subject, please note the following:

12/15/87 - Zoning Case No. 88-142-AF Theodore E. McCadden, Sr., Et al (Michael Black) Petition - requests a variance to permit lot widths of 50' in lieu of the minimum 55' in a D.R. 5.5 zone for lot nos. 112, 113 & 114. - Granted by the Deputy Zoning Commissioner

12/17/87 - Decision appealed by two protestants Lot #112 (50' width) transferred from Theodore E. McCadden, Sr. to Michael Black - Deed Ref: Liber 7967,

folio 570 Lot #113 (50' width) transferred from Theodore E. McCadden and Michael Black to Stephen L. & Maryellen J. Chapman - Deed Ref: Liber 7967, folio 558

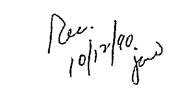
Note: This 50 ft. lot with an existing house is in violation of zoning regulations which require a 55 ft. lot width. A variance is required

Lot #114 ( 50 ft. width) transferred from Theodore E. McCadden, Sr. and Michael Black to Theodore E. McCadden, Sr. - Deed Ref: Liber 7967, folio 568

Building Permit No. 102176 for one single family dwelling lot nos. (112), 113 & 114 (150 ft. lot width per permit application) approved by the zoning office, Kate Milton. Applicant Vince Serio under contract of sale from Theodore ( 6-28-1)

E. McCadden, Sr. and Michael Black Expired - Reapplied in 6-28-1)

BALITIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE OCTOBER 10, 1990



J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

SUBJECT:

30NING ITEM #: 143 PROPERTY OWNER: Michael Ray Black LOCATION: S/S Oakleigh Beach Road, 475' E of Pin Oak Road (Lot #112, between house nos. 931 & 933)

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

ELECTION DISTRICT: 15th

COUNCILMANIC DISTRICT: 7th

( ) PARKING LOCATION ( ) NUMBER PARKING SPACES ( ) BUILDING ACCESS

( ) SIGNAGE ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

( ) CURB CUTS

( ) RAMPS (degree slope)

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE ARE. REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

maybe

(X) STRUCTURE FS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

Mr. James M. McKinnev Executive Assistant December 5, 1991 Page 2

> - Deputy zoning commissioner's order reversed and petition denied by the Board of Appeals

2/12/91 - Zoning Case No. 91-200-a Petitioner Michael Black

Requests a variance to permit a 50' lot width for lot no. 112 in lieu of the required 55' in a D.R. 5.5 zone. Denied by zoning commissioner with reference to Board of Appeals decision in Case No. 88-142-A

6/28/91 - Building Permit No. B-097529, Lot #112, for one single family dwelling on a 50 ft. lot in a D.R. 5.5 zone was approved by the zoning office, John Alexander per Mr. Serio's statement that the lot meets the requirements of Section 304 (BCZR) (undersized lots) - Applicant and owner: Vince Serio, per permit application

8/13/91 - Lot #112 (50 ft. width) transferred from Michael Black to Vince Serio - Deed Ref: Liber 8909, folio 445

10/23/91 - Lot #114 (50 ft. width) transferred from Theodore E. McCadden, Sr. to Vince Serio - Deed Ref: Liber 8961, folio

Baltimore County Circuit Court, Judge Leonard Jacobsen affirmed the decision of the Board of Appeals, dated 5/19/88 - Appellants: Theodore E. McCadden, Sr. and Michael Black

- Building Permit No. B-110095 Lot #114 (50 ft. width) for one single family in a D.R. 5.5 zone. Approved by the zoning office, John Sullivan with the following notes highlighted on the application; "front setbacks meets front average and no contiguous ownership for the past 10 Years." Applicant & Owner: Vince Serio

Complaint received by this office from Mr. Stephen L. Chapman (owner of lot #113) as to zoning office approval of the building permit for lot #114

Letter to Mr. Serio from John R. Reisinger, Baltimore County Buildings Engineer, advising of suspension of permit number B-097529 (lot #112) per John Alexander of zoning office

To: Zoning Advisory Committee; DATE: October 18, 1990 FROM: Robert W. Bowling, P.E.

FOLTIM OF COMINTY, MARYLAND

INTEROFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting for October 15, 1990

The Developers Engineering Division has reviewed the subject soning items and we have no comments for

Item 137 is subject to the previous County Review Group

For Items 100, 138, 139 and 142, County Review Group Meetings may be required for these improvements.

For Item 118, the property outline and square footage are incorrect as per R/W plat 78-150-15A. The Maple Road right-of-way at frontage equals 42 feet. For Item 143, a 10-foot widening strip is required for future 50-foot right-france of Wakleigh Beach Road.

Developers Engineering Division

RWE:s

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

February 3, 1993

TO: John Reisinger Building Engineer

Department of Permits and Licenses FROM: Stanley J. Schapire Deputy County Attorney

RE: 931 A Oakleigh Beach Road Building Permit B-097529 Vincent Serio

The Office of Law has received a complaint from an attorney claiming damages on behalf of the builder concerning the above entitled subject matter. I would like to meet with you on Friday, February 5, 1993 at 10:00 AM in my office to discuss this matter.

I understand that you acted to suspend this building permit as a result of the action of a planner, John R. Alexander and I am sending him a copy of this letter to advise him that I would like to meet with him at the same time concerning this matter.

SJS:ss

CC: John P. Alexander

TXTSJS: INTER

Mr. James M. McKinnev Executive Assistant December 5, 1991

> Mr. Serio has been the applicant on many building permit applications requiring zoning office approval for several

Mr. Serio has purchased lots in Baltimore County under Vincent Serio, The Serio Company

Per the Office of Permits and Licenses today, Mr. Serioand the Serio Company have been the applicant and owner of . the following recent building permits: #'s. B-019809, 019202 B-040384, B-067001, B-067002 and B-097529 B-022955.

15 th 315th

JJS/jat

Unders. Zed Late

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Baltimore County Government Department of Permits and Licenses

111 West Chesapeake Avenue Towson, MD 21204

887-3610

November 19, 1991

Mr. Vincent Serio 2965 Brookwood Road Ellicott City, Maryland 21043

> Re: Permit #B097529 931 A Oakleigh Beach Road

Based on information received from the Office of Zoning, Permit #B097529 is hereby suspended. All work being done under this permit must cease until the problems are resolved and the permit can be reinstated. Please contact Mr. John R. Alexander for details at 887-3391.

> John R. Reisinger P.E. Buildings Engineer

cc: John Alexander

correspondence Building Inspection

Baltimore County Government Department of Permits and Licenses

111 West Chesapeake Avenue Towson, MD 21204

November 19, 1991

Mr. Vincent Serio 2965 Brookwood Road Ellicott City, Maryland 21043

> Re: Permit #B097529 931 A Oakleigh Beach Road

Dear Mr. Serio:

Based on information received from the Office of Zoning, Permit #B097529 is hereby suspended. All work being done under this permit must cease until the problems are resolved and the permit can be reinstated. Please contact Mr. John R. Alexander for details at 887-3391.

John R. Reisinger, P.E.

cc: John Alexander correspondence Building Inspection

• 91-200A

928 OAKleigh BEACH Rel

BALto, Md. 21222

923 OAKLEIGH BEACH RD

BALTO, IND 21222

PROTESTANT(S) SIGN-IN SHEET

2506 FRSTERN FUE BALT. MD. 21224 282-0600 931 Oaklingh Beach Ad. Balter. Md. 21222 931 DAKLEIGH BOH RO BALTO MO ZIZZZ 933 On Kleigh herehod Stephen Chapman Balto Md 21222 912 Oakliegh Beach Rd JAMICE Flinchem BAH mol 21222 914 OAKLEISH BEACH FO BALLO MD 21222 HARRIET Phillips 928 BAKLeigh BEACHKel Albert T. Painter. BALTO, Mel 21222

DiANE PAINTER

TOTAL TERRET TRACKING SYSTEM LAST UPDATE 07/11/91 FLE CONTAIN CHARACT SEMMERCATION DATA HAKEFICH BEACH RD JUGORY DAKLEIGH BEACH GULLERY : 2108607540 DISTRICT/PRECINCT 15 21 OWNERS INFORMATION (LAST, FIRST) SHAR SERVICE, VENCENT AMERICAN PROPERTY DECORMOOD RD. ELLICOTT CITY, MD. 21043 APPRICART INFORMATION When I VINCENT SERIO CHARLET THE SERIE CHAPARY AUDUL 1965 BROOKWOOD RD. CARREST ALL FOOTT CITY, MD. 21043 LICENSE #: A1006 1 485-2512 OK FOR OCC.FEE NOT TO BE PAID-OLD PERMIT#102176-PER D.SWAM/MR ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INGRY PF2 - APPROVALS AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/12/91 TIME: 15:34:21 16:01:15 CPB DATE: 02/03/93 TRACT: 4525 BLOCK: 330 PLANS: CONST 2 PLOT 7 PLAT 0 DATA 0 EL 1 PL 1 PERMIT # B097529 CONTR: THE SERIO CO. BUILDING CODE: 2 SELLR: MICHAEL BLACK 2212 PARK DRIVE BALTO, MD21221 IMPRV 1 USE 01 WORK: CONST. FOUNDATION FOR & ERECT STATE APPROVED FOUNDATION BASE INDUSTRIALIZED DWELLING. 3 BEDROOMS. 24'X40'X21'=1,920 S.F.SEE EXFIRED NR 102176. ADDRESS CHANGE TO 931A PER S. LUTZ 7/11/91. 1E 1E 2 3 CENTRAL AIR 1 ESTIMATED COST PROPOSED USE: SFD OWNERSHIP: 1 EXISTING USE: VACANT LOT RESIDENTIAL CAT: 1 TOT BED: #3BED: #1BED: PASSWORD: 1 FAMILY BEDROOMS: 3 ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU PANEL BP1004M AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/12/91 TIME: 15:34:21 16:01:15 DATE: 02/03/93 TRACT: 4525 BLOCK: 330 PERMIT # B097529 PLANS: CONST 2 FLOT 7 PLAT 0 DATA 0 EL 1 FL 1 TENANT CONTR: THE SERIO CO. BUILDING CODE: 2 SELLK: MICHAEL BLACK 2212 PARK DRIVE BALTO, MD21221 IMPRV 1 USE 01 WORK: CONST. FOUNDATION FOR & ERECT STATE APPROVED FOUNDATION BASE INDUSTRIALIZED DWELLING. 3 BEDROOMS. 24'X40'X21'=1,920 S.F.SEE EXPIRED HR 102176. ADDRESS CHANGE TO 931A PER S. LUTZ 7/11/91. CONSTRUC FUEL SEWAGE WATER CENTRAL AIR 1 ESTIMATED COST 85,000.00 EXISTING USE: VACANT LOT RESIDENTIAL CAT: 1 #1BED: 1 FAMILY BEDROOMS: 3 PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE PF1 - GENERAL PERHIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/12/91 CPB 16:01:15 BUILDING DETAIL 2 DATE: 02/03/93 LOT SIZE AND SETBACKS BUILDING SIZE PERMIT #: B097529 SIZE: 50'X150' FLOOR: 1920 FRONT STREET: WIDTH: 24' SIDE STREET: DEPTH: 40' FRONT SETB: 25' GARBAGE DISF: ' HEIGHT: 21' FOWDER ROOMS: 0 SIDE SETE: 13'/13' STORIES: 1+BSMT BATHROOMS: 2 SIDE SIR SETB: REAR SETB: 85' KITCHENS: 1 LOT NOS: 112 CORNER LOT: N ASSESSMENTS ZONING INFORMATION LAND:

BLOCK:

LIBER:

FOLIO: CLASS:

SECTION:

SUBSEWER: 42 CRIT AREA: F

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

DISTRICT: DR 5.5

MSTR PLAN AREA:

PLANNING INFORMATION

PETITION:

DATE:

Mr. Don Mason County Executive Egyptimore County Executive Office Old Court House 400 Washington Avenue Towson, Maryland 21204

JAN-30-'91 WED 14:00 ID:BALTO CO EXEC OFC

🗻 🔤 . JAN-29-191 TUE 15:50 ID:COUNT' COUNCIL TTH. TEL NO:301 265-7658

Dear Sir:

In 1987 Mr. Theodore McCadden and Mr. Michael Black presented a patition for a variance to the conding department is order to build on two undersized lots in the Oskleigh Beach community. The variance was granted indiscriminately in spite of numerous product. (Ossa No. 88-142-4)

#422 702

January 16, 1991

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Case No. 88-06-2545 Errourt Court Of Baltimore County

Case No. 88-06-2545 Circuit Court of Baltimore County

Appellant's % Appellee & Briefs

PROTESTANT'S

EXHIBIT\_

The community members appealed this decision to the Board of Appeals which decided in favor of the community to deny a variance. (Case No. 88-142-A)

Mr. McGadden and Mr. Black then made an appeal to the Circuit Court which also decided in favor of the community. (Case No. 88-0G-2545) Mr. McGadden and Mr. Black were denied further appeals.

On January 6, 1991 the Coming Department placed a sign indi-cating a hearing to be held regarding this same property. (Case No. 91-200-A) We have contacted the Zoming Department and informed them that this issue has been all through the legal processes and the decision finelized.

We members of the community would like to know how the petitioners can walk back in the door of the zoning department and have this
seme issue put through the same process starting at the lower level
after two higher level courts have made final decisions against them.
Does not the county legal system have any power or authority? Do the
citizens of the community pay out money for legal costs to go through
the court system just to supply funds for the system? Are we expected
to put out money on legal fees every year andlessly?

It would seem to us that there are three conceivable reasons why this incident is recurring: 1) The petitioners are just blatantly flouting the law and showing contemptuous and cooky boldness and disregard for the law. 2)Our courts have no power or authority. 3) The Zoning Department doesn't know its job or doesn't know how to do its Job properly.

The first reason may well be the true reason this is happening.
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the two men involved his not even attend the Board of Appeals hearing. The dan's perchar at the collection be known to us that he did not have to come to the he had not have to come to the he may that he are not concerned - he know significant in Toyeon. This man, who Black, is now the one the is but his issue back to the colling ispartment. (Case No. 91-200-A)

DARKeigh Berch R. Casel E . 77 وجروا أواوون الواحد الماديانية والاحتاج alough he postale. ाकृतिहास स्टब्स Wise AUL switchite? Vicinity MAP if we did والدارج السياوي فحطو ويرسمنجي بردحها أحارا الأوار 10 10 mars 50 1 THE BHISTORY FOR This till the A.A. 11. ាការ មាន មានក្រុមប្រើក្រុមប្រ أرائم وووا The same of the same ्य अध्यक्षित्र है। Existing "EYRHA" DESTITION Existing y Dwelling NO 933 ्रहरूकात १६० (१९ तेष वस्तु (१८) १५३ १५३ १५ Lif 114 1:1 1:3

Onk Leigh Bench Rl At For Zonling Variance Michael Ray Black I vist 15th Zoned DR-55 Councilmatic District: 7

Lot size: 7500 59 Alica 11N=200 scale

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L Division: OAK Leigh Brach Zoning MAR, NOSSE 46,4H. Book AZ Folio 46 utilities in OAK Leigh Brech Rd-

1"=30"

IMPROVEMENTS:

TOTAL ASS.

IN THE THEODORE E. MCCADDEN, SR. CIRCUIT COURT and MICHAEL BLACK Appellants BALTIMORE COUNTY BOARD OF APPEALS CASE NO. 88 CG 2545 Appellee OPINION AND ORDER This case is before this Court on the appeal of Theodore E. McCadden, Sr. and Michael Black, Appellants, from the decision of the Board of Appeals for Baltimore County. That decision, rendered May 19, 1988, reversed the decision of the Deputy Zoning Commissioner and denied the Appellants' request for a five foot area variance. The Appellant, McCadden, owned lots numbered 112, 113 and 114 on

The Appellant, McCadden, owned lots Hamselvand Dakleigh Beach Road, Baltimore County. McCadden sold lot 113, which had been improved with a residential structure. He now seeks a variance pursuant to B.C.Z.R. Section 307 (1955) so that he may build on the remaining lots 112 and 114.

In appeals of this nature, the reviewing court's standard of review is limited. The decision of the Board of Appeals should be affirmed it there is evidence sufficient to make the Board's findings "fairly debatable". Loyola Loan Ass'n v. Buschman, 227 Md. 243, 246-47 (1961). The Board's decision will be affirmed even if reasonable minds would have reached a different conclusion on the evidence, or even if the reviewing court would have reached a different result on the evidence. McLean v. Soley, 270 Md. 208, 215-16 (1973).

IN THE MATTER OF : STREET THE ARTERN OF THE ARTERN OF THE ARTERN OF THE ARTERN OF THE SOUTH SIDE OF CF

ORKLEIGH SEACH BOAD, 615' EAST OF THE GENTERLINE OF FIN ORK AVENUE: FALTIMIFE COUNTY

(933 CARLEIGH BEACH BOAD)

15th Election District : CASE NO. 18-1142-A

7th COUNCILMANIC DISTRICT : CASE NO. 18-1142-A

The councilmanic District : CASE NO. 18-1142-A

This matter comes before the Board as an appeal from the decision of the Deputy Zoning Commissioner dated December 15, 1967 which granted the Petitioner's variance allowing building on lot widths of 50 feet in lieu of the required 55 feet. The Petitioner, Theodore E. McCadden, Sr., appeared and was not represented by counsel. He testified that he had originally purchased lots identified on the plat as #112, #113 and #114. An existing dwelling house occupies lot #113, which the Petitioner has rehabilitated and resold. He seeks a variance in order to build on lots #112 and #114. In support of his petition, Mr. McCadden testified as to the existing layout of the neighborhood which was developed in the late 1940's. As the plat of the community indicates, all of the lots were originally sold as 50-foot wide parcels, as is the case in numerous areas of the County. Many of the single lots were developed with residences; however, sprinkled throughout the community are double- and triple-lot homes. Mr. McCadden testified that he would endure practical difficulty or undue hardship if unable to build on these single lots, as they would then be unusable. In opposition to the petition, the Board received testimony from Sandra Pool, a spokesperson on behalf of other community residents. Ms. Pool set forth numerous concerns in opposition to the petition. Foremost among these were safety, traffic, drainage, and overcrowding considerations. Ms. Pool produced numerous photographs and exhibits in support of her position.

IN RE: PETITION FOR COMING MARIANCE # E of c/l of Pin Cak Avenue \* DEFUTY CONTING TOWNISSICHER (933 Cakleigh Beach Read) 15th Election District OF BALTIMORE COUNTY 7th Councilmanic District Case No. 99-142-A Theodore E. McCadden, Sr., et al - Petitioners FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioners herein request a variance to permit lot widths of 50 feet in lieu of the required 55 feet for Lots 112 thru 114, as more particularly described on Petitioner's Exhibit 1. The Petitioners, by Theodore McCadden, Sr., appeared and testified on behalf of himself and Michael Black. Mumerous homeowners appeared as Protestants and appointed Ms. Sandy Pool as their spokesperson. The subject property, zoned D.R. 5.5, is part of the Cakleigh Beach subdivision located on Cakleigh Beach Avenue near Wise Avenue. The Petitioner submitted as Petitioner's Exhibit 2 a copy of the Plat for Cakleigh Beach filed and recorded in the Land Records of Baltimore County on August 24, 1939. Testimony indicated that the Petitioners purchased the property approximately one year ago and that the property consists of three lots, Lots 112, 113 and 114. Each lot arphi is 50 feet wide and 150 feet deep. Two of the three lots are vacant and undeveloped. The center lot is improved with an existing single-family residence, as shown on Petitioner's Exhibit 1. The Petitioners are requesting the variance o permit the development of the two unimproved lots. Mr. McCadden testified that he intends to build a house, approximately 28' x 28' and will not need any variances from front, side and rear yard setback requirements. He further tesified that he had been advised that he could subdivide the three lots in a manner that would permit the construction of two additional dwellings. However, he

Journal 16, 1,31

Journal Paragraph of Service Colice
Cli Jourt House
400 Washington Avenue
Towson, Maryland 21204

Dear Sir:

In 1987 Mr. Theolore McCadden and Mr. Michael Black presented a petition for a variance to the zoning department in order to build on two undersized lots in the Oakleigh Beach community. The variance was granted indiscriminately in spite of numerous protests. (Case No. 88-142-A)

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On January 6, 1991 the Zoning Department placed a sign indicating a hearing to be held regarding this same property. (Case No. 91-200-A) We have contacted the Zoning Department and informed them that this issue has been all through the legal processes and the decision finalized.

We members of the community would like to know how the petitioners can walk back in the door of the zoning department and have this same issue put through the same process starting at the lower level after two higher level courts have made final decisions against them. Does not the county legal system have any power or authority? Do the citizens of the community pay out money for legal costs to go through the court system just to supply funds for the system? Are we expected to put out money on legal fees every year endlessly?

It would seem to us that there are three conceivable reasons why this incident is recurring: 1) The petitioners are just blatantly flouting the law and showing contemptuous and cocky boldness and disregard for the law. 2)Our courts have no power or authority. 3) The Zoning Department doesn't know its job or doesn't know how to do its job properly.

The first reason may well be the true reason this is happening. When the former court processes on this issue were taking place one of the two men involved did not even attend the Board of Appeals hearing. The man's partner at the time let it be known to us that he did not have to come to the hearing, that he was not concerned - he knew some people in Towson. This man, Mr. Black, is now the one who is bringing this issue back to the coming department. (Case No. 91-200-A)

